

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nels Theodore Wohlstrom,)	
)	C/A No. 0:12-2338-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
George Wilmore; Eddie Broome;)	
Eddie Moore; Sheriff Bruce M. Bryant,)	
)	
Defendants.)	
_____)	

Plaintiff Nels Theodore Wohlstrom, proceeding pro se, filed a complaint on August 15, 2012, apparently alleging that

By Private Acts and Acts of Commerce, the United States of America has maintained criminal Action to fraudulently occupy aforementioned lands, suffering Patent Infringement as per Public Law, whereby the creator has been subverted, where a Franchise has been created under Private Acts (Executive Order) and Acts of Commerce (various Patent and Copyright Acts, contrary to Public Acts, want of Creation.

ECF No. 2.

Plaintiff also filed a motion for order to show cause on August 24, 2012, and a motion to amend the motion or order to show cause on September 24, 2012. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On September 26, 2012, the Magistrate Judge issued a Report and Recommendation in which she noted that “land patent” cases similar to that set forth herein have been found to be frivolous. The Magistrate Judge found Plaintiff failed to allege sufficient factual allegations to raise a plausible claim supporting federal question subject matter jurisdiction. Accordingly, the Magistrate Judge recommended that the within action be dismissed, without prejudice and without service of process. The Magistrate Judge further recommended that Plaintiff’s

motion for order to show cause and motion to amend be denied.. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *without prejudice* and without service of process. Plaintiff’s motion for order to show cause (ECF No. 2) and motion to amend (ECF No. 9) are **denied.**

IT IS SO ORDERED.

/s/ Margaret B. Seymour

Chief United States District Judge

Columbia, South Carolina
October 30, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.